

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/785,237
Attorney Docket No.: Q63062

REMARKS

Claims 1-11 and 27-32 are all the claims pending in the application. By this Amendment, Applicant incorporates the features of claim 26 into claim 1 and amends claim 27 to change the dependency to claim 1 as opposed to claim 26. Since claim 26 was already considered by the Examiner, it is respectfully submitted that the amendments presented do not require any further search and/or consideration, and, therefore, should be entered.

Preliminary Matter

As preliminary matters, Applicant thanks the Examiner for returning the initialed copy of the Form PTO-1449 filed with the Information Disclosure of February 20, 2001. Applicant also thanks the Examiner for withdrawing the objection to the drawings. Applicant respectfully requests the Examiner to indicate that the drawings filed on February 20, 2001 are now accepted.

Claim Rejections under 35 U.S.C. § 102(b) and Statement of Substance of the Interview

The Examiner maintained the rejections of claims 1-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,715,393 to Naugle (hereinafter Naugle), and also rejected the previously added claims 26-32 under 35 U.S.C. § 102(b) as being anticipated by Naugle. Applicant respectfully traverses these rejections in view of the following comments.

Applicant thanks the Examiner for the courteous telephonic interview on October 17, 2005. The Statement of Substance of the Interview is as follows:

During the interview, claims 1 and 26-32 were discussed with respect to Naugle. The Examiner indicated that the automation system set forth in claim 1 would require further clarification. With respect to each of claims 26, 27, 29, 30, and 32, the Examiner could not

specifically identify disclosure in Naugle that teaches or suggests the recited limitations but indicated that a final decision would need to await Applicant's written submission.

Specifically, claim 1, as now amended, recites: "a data transmission system in communication with the control unit and in further communication with a receiving device, wherein the message is an e-mail message generated in response to an operation of the automation system and the data transmission system is an Intranet and/or the Internet and the control unit comprises means for generating the message for a specific receiving device addressable with a pre-defined address and, wherein further the message has an address field to identify a recipient of the corresponding message, and the receiving device has means to receive the message sent by the control unit and automatically respond to the message, wherein the control unit monitors the automation system and in response to a fault detected in the automation system, generates the e-mail message."

During the Interview, the Examiner indicated that the monitoring computer of Naugle discloses the receiving device as set forth in claim 1 and that the target computer of Naugle discloses the control unit as set forth in claim 1. With respect to the automation system set forth in claim 1, the Examiner turns to Naugle's disclosure in Fig. 1 *i.e.*, the network 37.

However, claim 1 recites "the control unit monitors the automation system and in response to the fault detected in the automation system, generates the e-mail message." Naugle fails to teach or suggest the target computer monitoring the network 37. On the contrary, in Naugle, it is the status of the target computer (alleged control unit) that is monitored by the monitor computer (Fig. 2; col. 1, line 60 to col. 2, line 4). That is, Naugle only discloses the

target computer reporting statuses of the processes that are running or scheduled to be run on the target computer (col. 5, lines 23 to 27). That is, the target computer reports the status of its software processes and does not monitor an automation system. In other words, the target computer does not monitor the network 37 (alleged automation system). Moreover, the target computer sends the status message in response to a query from the monitoring computer (Fig. 2; col. 4, lines 9 to 36) and not based on the fault detected in the automation system. Applicant respectfully submits that for at least these exemplary reasons, claim 1 patentably distinguishes from Naugle. It is appropriate and necessary for the Examiner to withdraw this rejection and further consider the features of amended claim 1.

Next, dependent claim 27 recites: “wherein the acknowledgement message provides the control unit with instructions to execute a predetermined action in response to the detected fault.” Applicant respectfully submits that Naugle only discloses evaluating the status of the target computer at step 19 based on the status message and notifying the operation at step 18 (col. 5, lines 42 to 53). That is, Naugle does not disclose providing the target computer with instructions to execute a predetermined action. In other words, Naugle only discloses notifying the operator and fails to teach or suggest sending back or providing the target computer with instructions to execute a predetermined action. For at least this additional reason, claim 27 patentably distinguishes from Naugle.

Dependent claim 29 recites: “the control commands are automatically executed by the control unit.” Claim 29 depends on claim 28, which recites: “the response to the message comprises control commands in a programming language.” Naugle, as explained above, does

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not teach or suggest acknowledging the status message (alleged email message set forth in claim 1) so that the acknowledgment includes control commands to be executed by the target computer (alleged control unit). For at least this additional reason, claim 29 patentably distinguishes from Naugle.

Dependent claim 30 recites: “when the control unit receives the response from the receiving device, the status of the e-mail message is automatically changed to acknowledged enabling management of the e-mail message” and dependent claim 32 recites: “the receiving device automatically responds to the message by sending the control unit a reply message.”

As explained above, Naugle only discloses evaluating the status of the target computer at step 19 based on the status message and notifying the operation at step 18 (col. 5, lines 42 to 53). Naugle does not disclose the target computer receiving a response from the monitoring computer and changing the status of the status message to acknowledged. Similarly, Naugle does not disclose the monitoring computer automatically responding to the status message by sending the target computer a reply message. For at least these additional reasons, claims 30 and 32 patentably distinguish from Naugle.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.**

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Respectfully submitted,



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